L R

(1892-93)

FO-1892
1-8

Sub. Instructions Regarding
the disposal of Darkal
for Land & for Cultiv
ation —

10

G. R. S. IX-5]

1892-93

Previous references.

File No. 10 of 92

191

LR

Serial Nos. 1 – 8

Later references.

LR. 66 of 94

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 – 8

Mayo ~~Part~~ B for Septr. 1893

SUBJECT

Instructions regarding the disposal of Darkhasts for Land for Cultivation

Immediate

Hek

Indefd

Memo

GOVERNMENT OF MYSORE

Vide Govt P. No 1874-81 dt 6/8/92.
R 309-92

With reference to the orders issued in Proceedings No: — 1874-81 dated 6th August-1892. R 309-92 for the speedy disposal of Durkasts received during the current Revenue year, the then officiating Dy Commissioner (Mr: Haji Syed Narsaruddeen) of Tumkur, Submitted (1) that owing to the change in the offic l year, it was likely that there would be some inconvenience for the presentation of Durkhasts before the cultivation season was advanced, and (2) that the Sowing season occurring in the months of ~~June~~ May and June, lands should be acquired a complet mont before ... d. Solicited in-Structions as to whether Dur-Khasts presented in February or march for the

Vide Dy Commrs No. 3402 dt 23/9/92

next year might be ac-
-cepted, and if so, how
the Durkhasts received
for the same land on con-
-dition of paying the current
year's Kandayam should
be disposed of. The Deputy
Commr: also alluded to a
Circular issued by him
for the guidance of the
Amildars in the District.

2. As the Circular referred to by the Dy Commr: was not received in this office, the Deputy Commr: was requested to submit the same and to explain more clearly the subject on which he sought for instructions, illustrating the Statement with particulars of one or two cases which may have actually arisen.

Vide Rh Secy's No: 10163/R1320 & 29/12/1

vide Dyscommr's No 617 dated 21/11/93

X (Translation attached)

—

3. The present Deputy Commr: now submits copy of the circular instruction issued by Mr: Haje Syed Nasiruddeen and interprets the case submitted by his predecessor for the time being, as follows: —

"Durkhasts for lands "take effect from and in- "clusive of the year in "which they are presented. "So, a Durkhast presented say in April, May or June 1893 has effect from and "inclusive of the year 1892-93, as (owing to the recent extension of the official year "from 31st March to 30th June) "those months are included "in that year; and tho' the "applicant cannot at that "stage raise any crop on the land

land in that year (92-93),
"and yet he has to pay
"the Kandayam of that
"year. So, Mr. Haji Syed
"Varsaruddeen Sahib en-
quired if Dorkhasts pre-
sented at such late stage
"if a year may be accepted
with effect from the following
year. If the ryots are to wait
"till the year is over, they will
"have to wait till July and
"then apply for lands. In that
"case, it will be too late as
the time for beginning
"operations for sowing rajee
is about April. So, that
"officer probably wanted to
"suggest that applications for
"lands presented in any
"year after the expiry of the
"cultivation season of that
"year should be taken as
"those presented for the
next-

next year following year.

4. The orders of Govt conveyed in Pro: No: 1874-8/dated 309-92 6th August 1892 have reference to the disposal of Durkhasts received during the current year. 1892-93 —

5. The question raised by the Deputy Commissioner appears to be whether Durkhasts presented in any year after the expiry of the cultivation season should be taken as those presented for the year immediately following that in which the Durkhasts were received.

6. The Deputy Commissioner of Hassan also has made a reference on the subject. He states that in the case of dry lands he has instructed the Amildars to issue Sagavali bhits permitting the Durkhastdar to enter upon the land after it is relinquished

by the outgoing occupant or from 1st May. He submits that the same course might be followed in the case of such of the wet lands as are not cultivated with Vaisatha crops. He concludes that as provided for in Form No III Appendix D of the Revenue Rules, absolute relinquishment of occupancy take effect from and after the date of relinquishment.

7. The main point for consideration is, — whether absolute relinquishments of occupancy should be taken to have effect from the close of the Revenue year. —

8. In para 17 of the minute dated 27 April 1892 the Hon'ble P. Chentsal Rao Pantulugaru suggested

the substitution of "the 31st July occurring within the period for which Patta is issued and for which re-linquishment is intended for the words "the 30th April of the (Mid) year for which the relinquishment is intended. On this, the Government in Progs: No: 3211-50 Cir 36 dated 23rd May 1092. ruled that notice of absolute relinquishment should be given before the 30th April of the current Revenue year from ~~which~~ the close of which the relinquishment is to have effect. The Kandayam paid by the outgoing occupant is for the full year extending from 1st July to 30th June inclusive

the cultivation and harvest
of any one year are completed
by the end of June (vide para
5 of the minute). Supposing
a field is relinquished on
30th April and a Durkhast
is received for the land
in the following month
of May, the Durkhastdar
cannot be put in possession
of the land till 1st of July
from which date the relin-
-quishment takes effect.
By the time the applicant
is put in possession
of the land the cultivation
season will have passed
and it would be hard
to make him pay the
Kandayam for the year
in which he was put in
possession of the land, but
could raise no crop. To compel

the outgoing occupant to

GOVERNMENT OF MYSORE

give up the land at any time after 30th April and before the end of June would be going against the rule quoted above. But form III of Appendix D. is to the effect "I hereby give notice that I hereby relinquish the occupancy." From what date, it is not mentioned. The old Form B at page 59 of Survey Manual contained the words it is my intention to relinquish the occupancy at the end of the current year, and Section 42 of Act 1 of 1865 required that the notice should be given on or before the 31st March of the current year. But

the period was extended by one month (vide foot note to Form B) and the notice was required to be given before the 30th April of the following year, ~~It~~ The relinquishment taking effect from and after the 30th April, that is, just at the beginning of the cultivation season.

Submitted for orders.

7.D. 3/3 Please see annexed draft note - Draft amended accordingly for Deputy Commissioner's approval

7/7

Draft submitted 10/7/93

Circular dated 23rd September 1892 issued by Mr: Haji Syed Nasiruddeen in Continuation of order.- ued in pursuance of Government Procp No: 1074-81/309-92 dated 6 August 1892, to the following effect.

Question	Answer
Of the Durkhasts re-ceived for the year Nandana (92-93) some relate to lands which come under the list B & proclamations have been issued with reference to these. If the giving of Sagavali Pluits be post-poned for these lands till the expiry of the period allowed for appeal it would be too late	1. As these applications appear to have been received prior to receipt of Government order in question and as the usual course under the Rules in force is being followed, the lands are not to be given out on Eksala" tenure. In such cases, if there be only one applicant for the

proceed with agricultural operations. To obviate this difficulty may lands be given out on Eksal tenure under the above authority, the sale procedure being stopped.?

Mudy Old Rayer
Said "Yes"

the land it may be given out to him for Eksala cultivation, and the usual course may be followed subsequently. If there be 2 Durkhasts for the land it should not be given out on Eksala tenure.

2. In cases where lands having trees &c are to be given out on Eksala tenure, should they be given out on condition that the applicant shall not remove the trees &c standing on them?

2. They may be given out on condition that no trees &c (Mathi) shall be removed.

Provisions

3. Govt order empowers the Sheikdars & Shanbogs to give out lands for Eksala cultivation. May the Sheikdar and Shanboge receive such Durkhasts separately and give permission to cultivate the land.

3. Yes. But all these Durkhasts should be sent the very same day to the Taluk Cutchery where these will be registered as they are received.

4. If such be the case, there will be inconvenience to the Durkhasts being filed in time in the Durkhast Register kept at Taluk Cutchery; and there will be room to much confusion if separate applications for the same land be received on the same day by Sheikdar, Shanboge & Taluk Cutchery without each others knowledge ~~xxxxxxxxxxxx~~. What is the procedure in such cases?

This question is very silly - No Sheikdar issues a separate chit without consulting Shanbogues Registers & no separate chit can therefore issue from the Sheikdar for the Shanbogue has already issued a separate chit - & in any case such issued the Amildar would have

4. Durkhasts may be received as they are received. In case of such Durkhasts, he who begins to cultivate the land first - whether by the orders of Shanboge, Sheikdar or Amildar, shall be allowed to have the land on "Eksalabemore", and patta shall be issued to him if the land is one mentioned in list (A) and no one else has applied for it Simultaneously with him. If there be more than one application on the same date for the same land, it should be formally sold and given out to the highest bidder from next year. But if this land came under list B, it should be disposed of according to the rules laid down, and given out to the highest bidder for the next year.

5. May Durkhasts for Eksal cultivation received for the lands fit for sale and included in 'B' list, be granted on condition that the trees & buildings standing thereon shall not be removed ?

5. Yes.

6. May the lands be given out for Eksala cultivation, and the same be sold now on the condition that the highest bidder shall enter upon the land from next year. ?

6. Yes

7. If there be only one Durkhast for the land, may be sold next year; otherwise it should be sold now according to the rules in force

7 Or 2nd the sale to take place next year, the Eksalatenant being forbidden to interfere with the trees

8. May Durkhasts not for Eksala cultivation be for permanent occupation

8 Yes

disposed of according to the rules ?.

GOVERNMENT OF MYSORE

9. What is the procedure to be followed in cases where applications for Sub-division of a Survey Number under the Land Rev Rules and grant of the same are presented to Shekdars and Shanbhogs ?.

9. If the Durkhasts rece for only one year be for the whole number, the may be accepted; as there will be much in -convenience in ascert --ing the exact numbe of cultivated acres if they are not received fo the whole number, so Du -Khasts should be accep for the whole number

10. What is the course to be pursued in cases, where out of the lands for which Durkhasts for Eksala cultivation might be received and it is feasible to sell them, there be some lands mentioned in list B, which cannot be cultivated without trees thereon being removed ?.

10. Such lands should not be given out for Eksala cultivation

AVN
13/3

Memo

Submitted for
Orders
M 13/3/93

Draft for approval

Read:

GOVERNMENT OF MYSORE

Letter No: 887 dated 4th March 1893, from the Deputy Commissioner Hassan District, reporting on the instructions conveyed to certain Amildars of his District regarding receipt of Durkhasts ~~being received for dry and wet lands &c.~~

Letter No 617 & 21st Jany 93 from the Dy Comr, Hassan on the same subject.

Order thereon:

The Deputy Commissioner of Hassan, in reporting on Vysakha crops, has evidently overlooked the orders contained in Proceedings No: 3211-50 Ar 36 dated 23rd May 1892 which cancels para 15 of ~~modify~~ Rule XXVI of the Land Revenue Rules.

2. There is no rule limiting the time for presentation of Durkhasts. When a Durkhast is accepted and permission granted

& Print in full

-pation, (~~para 28 Rule XX~~) the ~~of the Land Rev. Rules~~
assessment is payable for
the whole year in which the
land is granted unless
otherwise ordered by the Deputy
Commissioner (para 17 Rule XX).
So that, if the permission
happens to be granted at
a part of the Revenue year,
when it is impossible to
derive any crop from the
land within that year
there is nothing to prevent
the Deputy Commissioner
ordering that the per-
-mission to occupy shall
take effect from the ensuing
year, i.e., on 1st July following.
In ~~that~~ case the Ryot will
be free to ~~at~~ once, plough
and prepare the la-
for

But, if there is a Darkhast
for the same land, on which
the Darkhastdar agrees to
pay the cess from the year
in which the Darkhast is
accepted notwithstanding
the lateness of the season

preference should be given to him over any other Darkhastdar who only agree to pay rent from the following year. — If the Darkhastdar agrees to pay rent only for the following year, he should only be allowed to occupy the land at the beginning of that year — If he wants to enjoy the possession the next year he must apply for the same, and obtain it, for the next year, if again vacant, before the land becomes available in the year cited.

Which will be on the 1st July, of the year following that in which the relinquishment notice has been given. (Vide Rule XXVII). —

for ~~cultivation~~ though the assessment will be brought to book in the Jamabandy accounts only of the ensuing year.

3. ~~This will be possible only~~ In the case of ~~Mlecchas~~ ~~in the case of Government~~ ~~unoccupied land.~~ But if for Lands relinquished ~~the land applied for, be~~ lay vacant, ~~in the occupation of a Ryot who has relinquished it~~, the applicant cannot enter upon the land ~~without~~ the occupant's consent until the relinquishment takes effect. ~~The Notice of relinquishment is due on or before 30th April and the relinquishment itself takes effect on 1st July ensuing.~~ Form "D" is to be ~~endorsed~~ only a Notice of relinquishment (see para 2, Rule XXVI) and not a relinquishment itself taking

1. ~~The~~ Omission in ~~of~~ the date from which the relinquishment

taking effect immediately.
An early opportunity will
be taken to revise the ~~form~~ Provisions of
Form D
so as to make the point
clearer on the face of the
~~form~~ itself.

to take effect is of
no consequence, see
para 1 of Rule ~~XXVI~~
is clear on the subject.

Draft
Instr for
Divisional
Admiral

Print

10/7/93 Chief Secretary.

To. The Lieutenant Governor of Hawaiian Districts.

Copy to Deputy Governor of Other Districts.

May this be printed & circulated
to other Deputy Governors. [illegible]
[illegible]
2/7

13/7

31/8/93

[illegible]

(General Serial No. 30.)

1892.

2

From

The Chief Secretary
to the Dewan of Mysore.

To

The Deputy Commrs of Districts

Section LR
Serial No 70-92

Dated 6th August 192

Despatched

Received

Enclosures No.

General No. 1874-81
No. R. 309-92

Issuing instructions for the prompt disposal of Durkhasts received during the current official year.

References to be marked.

From Dfsant Kadu No 75 dy 12-8-92

No 1874-81 W/ 6-8-92
R 309-92 6

Order- Urgent (2)

It has been brought to the notice of Government that owing to delay in the disposal of durkhasts by Amildars, Ryots are practically precluded from taking advantage of the present favorable season and entering upon the cultivation of the lands they have applied for - Dy Commrs. of Districts are requested to draw the attention of all Talut Revenue Officials concern to the subject, impressing on them the necessity for special activity in the disposal of durkhast received during the curre year - To secure the

object in view, Sheikdars and Shanbogues may be empowered to permit the applicants to enter upon the land applied for at once on the terms of an "Ekcal" tenure, subject to such decision as may be passed by the Amildar in the application at Jamabandy time.

XX

For approval
Mysore
5/8/92

To
Wilson by Dyotts Mail
Peter Dutts by Summons Mail

To be posted this Evg

Peon
Posted at: 5:25 P.M.
Dt. 6th August-92

Rev. XX
Ref Mem 13/8
Reed 15/8 Draft Sent
PD
15/8/92.

3

(General Serial No. 30.)

1892.

OFFICE OF THE DEWAN OF MYSORE
1644
13 AUG. 92
R 449

From

The Deputy Commissioner Kadur District

To

The Chief Secretary to the Dewan of Mysore

Section R
File No 700 of 91-92
Serial No 2
Dated 12th August
Despatched 12-8-92
Received 13-8-92

Enclosures No.

General No 275 J 1892-93

Sir,

With reference to the Government Proceedings No. 1874-81 dated 6th instant, directing to empower Sheikdars and Shanbhogues to permit the ryots who have applied for land to enter upon the land at once on the terms of six 'Khoal' tenure I have the honor to request to be kindly informed whether the orders of Government refer only

to the Darkhasts which
are received already
and are pending disposa
or whether they also refer
to Darkhasts which may
be received hereafter
during the current yea
but before the Jama-
bundi time.

H H Sparks
Deputy Commr.
Kadur District

Attd.
copy
A.K.

(General Serial No. 30.)

1892.

From

The Chief Secretary
to the Dewan of Mysore.

Section J
File No 17
Serial No 3

To The Deputy Commr of the Kaveri District & the Dy: Commrs of other Districts.

Dated 18th Aug/92

Despatched

Received

Enclosures No.

General No. 2574 & 2575-81
No. R 420-92 R 421-92

Stating that Order No. 1874-81 R 309-92 & the idem refer to the Darkhasts which have already been received as well as to those which may be received hereafter.

References to be marked.

(1)

To

The Divisional Commissioner
Kaduna District.

Dated 18/8

No. 2574
R 120-92

His No. 75 dated 12th August 1892 requesting to be informed whether the orders issued in Govt Res: No 1874-81 / R 309-92 of the 6th idem refer only to the Darkhasts which have been already received & pending disposal, or whether they also refer to Darkhasts which may be received hereafter during the Current year.

Has the honor to state in reply that the orders

above cited refer of course not only to the Particulars already received but also to those that may be received hereafter during the Current year but before the Jamabandi time. Vide No. 1 Class 4 Section Instructions.

1875

Chief Secty.

R. Dy. No. 2575-81
R. 421-92

Copies to the Deputy Commrs. of other Districts for information & guidance.

Bowring

1875

Chief Secty.

D. D.

From

The Chief Secretary
to the Dewan of Mysore.

To

Dated

Despatched

Received

Enclosures No.

General No.

No.

References to be marked.

(General Serial No. 30.)

Section

File No. 10

From

Serial No. 4

1892-93

OFFICE OF THE DEWAN OF MYSORE
3351
24 SEP, 92
R 899

From The Deputy Commissioner
Tenkur District

To The Chief Secretary to the
Government of Mysore

Dated 23rd

Despatched 23rd September 1892

Received

Enclosures No.

General No.
No. 340.

Government Order No. 1874-81
& 309-92
of the 6th & 13th Aug.

Soliciting further instructions regarding the disposal of the Sandhast for the cultivation of lands.

Urgent

Rev. Ref.
24/9/92

Submitted.
24/9

24/9

In para 2 of this letter it is not ~~understood~~ as well as it can be understood has no reference to the Govt's order under which orders Nos 1874-81 & 309 were issued. If necessary the Deputy Commr should write another letter stating clearly the subject on which orders are sought & stating the State with particulars in one of two cases which may have actually arisen

28/9

Drafted
Mbk
28/9/92

The Copy of the Govt's Circular alluded to in the 2nd para of this letter has not been received. Write for it. The reference cannot be traced.

24/9

No 340

Deputy Commissioner's Office

Tumkúr District

Tumkúr 22nd/23rd September 1892

To

The Chief Secretary to the
Government of Mysore

Sir,

With reference to Government Order No 1874-81 / R 309-92 of the 6th ultimo issuing instructions regarding the speedy disposal of the Durkhasts for the cultivation of lands, I have the honor to state that immediately on receipt of the order in question, a No. Circular was issued to the Amildars in the District, but one of them having put some queries in the matter, a Circular embodying the queries and the replies thereto was issued A Copy of which is herewith submitted for the information of Government.

Not read Note 24/9

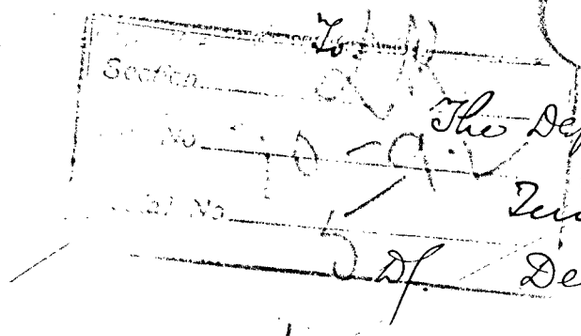
2. Owing to the recent change of the Official year, it is likely that there will be some inconvenience for the presentation of Durkhasts, before the Cultivation season is advanced. The months of May and June most probably are the sowing seasons and in view to the lands being prepared for

are to be acquired a Couple of months before. I therefore solicit instructions as to whether Durkhasts presented in February or March for the next year may be accepted; if so, how the Durkhasts received for the same land on Condition of paying the Current year's Candayam are to be disposed of.

I have the honor to be
Sir
Your most obedient Servant

Off. Deputy Commissioner

6



To

The Deputy Commr.
~~Hazara~~ Dist.
Tenkur

Dt. December 1892.

His Letter No. 340 dated 23d September 1892, soliciting instructions in re the disposal of Durkhast for the cultivation of lands

The Deputy Commissioner is requested to submit copy of his Circular referred to in para 1 of the above which has not yet been received in this office.

2. The reference contained in para 2 of the foregoing said letter is not intelligible; and, as well as it can be understood, has no reference to the circumstances under which Order No. 1874-81 / R: 309 was issued.

No 1016 3 Dt 29-12-92
R 132a-92 11-1-93

(General Serial No. 30.)

189

If necessary, the Deputy Commissioner should address another letter stating clearly the subject on which orders are sought, and illustrating the statement with particulars of one or two cases which may have actually arisen.

From

To

Dated

Despatched

Received

Enclosures No.

General No.

No.

W. O.

29 Dec

Cliff Lecy

28/12

(General Serial No. ~~60~~)

1892. 7917.

25 JAN. 92

R 2035

From The Deputy Commissioner Bangalore District.

Section

No

To

The Chief Secretary to the ~~Govt~~ Govt. of Mysore.

Dated 21st January 1893.

Despatched 23rd

Received

Enclosures No. 1

General No. 617
No.

Chief Secretary's Docket No. 1063/1320-92 of the 29th Ultimo.

Submitting a copy of the circular issued by Mr. Haji Syed Naseeruddeen Sahib, with a detailed report regarding the disposal of Darkhasts for the cultivation of lands.

Rev. Mem 25/1

Submitted with a Memo: for orders.

R. D.

7/2/93

Tumkur Dist
Deputy Commissioner's Office

No: 617

Tumkur 21st January 1893.

7

To,

The Chief Secretary to the
Government of Mysore

Sir,

With reference to your docket No. 10163 of the 29th Ultimo received on the 1320-92
13th instant, I beg to submit herewith a Copy of the Circular issued by Mr: Hazi Syad Nasiroodeen Sahib.

2. The question that that Officer refers to in para 2 of his letter No: 340 of the 23rd September 1892 is this.— Darkhasts for lands take effect from and inclusive of the year in which they are presented. So, a Darkhast presented say in April, May or June 1893 has effect from and inclusive of the year 1892/93 as (owing to the recent extension of the official year from 31st March to 30th June) those months are included

included in that year. Your wise
applicant cannot at that stage raise
any crop on the land in that year
(1892/93) and yet he has to pay the
Kandayam of that year. So, Mr. Hazi
Syad Nasiroodeen Sahib enquired
if Darkhasts presented at such late
stage of a year may be accepted
with effect from the following year.
If the Ryots are to wait till the year
is over they will have to wait till July
and then apply for lands. In that case
it will be too late as the time for begin-
ning operation for sowing ragi &c is
about April. So, that Officer probably
wanted to suggest that applications for
lands presented in any year after the
expiry of the Cultivation season of
that year should be taken as those
presented for the next following year.

I have the honor to be,
Sir,
Your most obedient servant

[illegible]

5 [illegible]

6 – [illegible]

ಪುಟ

7 - [illegible]

8 [illegible]

9 - [illegible]

10 — [illegible]

[illegible]

[illegible] 1892

/Signed/ Syed Nasiroodeen
Asst. Deputy Commissioner
Tumkur Dist

(True Copy)

A. Raghavendra Rao
For Deputy Commissioner
Tumkur District

No 617 dated 21st January/93.

7/3/93

(General Serial No. 30.)

9965.

189

From The Deputy Commissioner Hassan district

To

The Chief Secretary to the Dewan of Mysore.

Dated 4th March 1893

Despatched

Received

Enclosures No. a

General No. 887

No. Secy

In reply to

SUBJECT.

Reporting on the instructions conveyed to Amildars of Arsikere regarding remarks to be recorded for dry and wet lands &c.

Rev. 7/3/93

Ed. 7/3/93

References (to be entered only in the Dewan's Office).

Please see the memo: submitted

Secretary to Commissioner

No 887
Secy

(8)

Deputy Commissioners office
Hassan district.

Dated: Hassan 6 March 1893

From

The Deputy Commissioner
Hassan district.

To

The Chief Secretary
to the Government of Mysore

Sir,

According to Land Revenue Rules 26 Clause 2, I have the honor to state for the information of Government that on a reference made by the amildar of Arsikere whether on waste lands for Lands which may be received after the expiry of 30th of April and before the commencement of the next official year on 1st July — Sagavali Cists may be issued with

effect from 12th May I have instructed the Committee that in all cases of Kushki lands Sajjavali Chits may be given permitting the Kumbhars to occupy the land after it is relinquished by the late occupant or from 12th May. The reason is that Kharif rains begin about April and this time is the commencement of the cultivation season. By July it will be too late for the preliminary operations even though in some instances Nachni Ragi is sown in that month.—

2. In cases of wet lands on which there may be no crops the same course might be adopted the only exceptional treatment applying to lands with Rabi crops upon them which cases

Suppose the outgoing occupant wishes to hold on till the end of the Rabi yr i.e. 30 June how can the new comer enter upon this land?

Nair is studying
x Circ –
No 210 3211-50
31
23-5-92

are governed by clause 15 of the rule quoted above. —

The termination of the official year being on the last day of June, a doubt may possibly be entertained whether the 30th of April in the section is not the date on which notice of relinquishment is received unaffecting the right of occupancy till the end of the official year as now ordained. Consulting form no III of appendix D there appears to be no room for such a doubt because the words "I hereby relinquish the occupancy of the said lands" signify absolute relinquishment on from and after that date.

It is believed to be so

I have the honor to be

Sir

Your most obedient servant

D. Munro Sparks

Ed.

e

ing

r –

dars

ng

21st

e

June

bject

of

(10)

Section XX
File No 70
Serial No 8

Read :-

Print in full

Letter No. 887 dated 4th March 1893 from the Deputy Commissioner Hassan District, reporting on the instructions conveyed to certain Amildars of his District regarding receipt of Durkhasts.

— do —

Letter No. 617 dated 21st January 1893 from the Deputy Commissioner, Tumkur on the same subject.

No 4724-31 / R.T. 290-92 dt 10-9-93 / 15

Order thereon :-

The Deputy Commr. of

of Hassan in referring to Vysakhi crops has evi-dently overlooked the orders contained in Pro-ceedings No. 3211-40/Cir 36 dated 23rd May 1892 which can-cels para 15 of Rule XXVI of the Land Revenue Rules.

2. There is no rule li-miting the time for presentation of Durkhasts. When a Durkhast is ac-cepted and permission granted to enter upon occupation, the assess-ment is payable for the whole year in which the

the land is granted, unless otherwise ordered by the Deputy Commissioner, (para 17 Rule XX) so that if the permission happens to be granted at a part of the Revenue year, when it is impossible to derive any crop from the land within that year, there is nothing to prevent the Deputy Commissioner ordering that the permission to occupy shall take effect from the ensuing year, i.e., on 1st July following. But if there

has been given (Vide Rule XXVI) Form "D" is only a Notice of Relinquish-ment (see para 2 Rule XXVI) and the omission in it of the date from which the relinquishment is to take effect is of no con-sequence, since para 1 of Rule XXVI is clear on the subject.

19 Sept.
Chief Secy.

The Deputy Commrs of Hasan District

Copy to Deputy Commrs of other Districts.

(10)

Proceedings of the Government of His Highness the Maharaja of Mysore, (Revenue),—dated 10th September 1893.

READ:—

Letter No. 887, dated 4th March 1893, from the Deputy Commissioner, Hassan District, to the Chief Secretary to the Dewan of Mysore.

Adverting to Land Revenue Rules 26, clause 2, I have the honor to state for the information of Government that on a reference made by the Amildar of Arsikere whether on Darkhasts for Lands which may be received after the expiry of 30th of April and before the commencement of the next official year on 1st July, Saguvali Chits may be issued with effect from 1st May, I have instructed the Amildar that in all cases of Kushki lands Saguvali Chits may be given permitting the Darkhastdar to occupy the land after it is relinquished by the late occupant or from 1st May. The reason is that Mungar rains begin about April and this time is the commencement of the cultivation season. By July it will be too late for the preliminary operations, even though in some instances Dodda Ragi is sown in that month.

2. In cases of wet lands on which there may be no crops, the same course might be adopted, the only exceptional treatment applying to lands with Vaisakhi crops upon them, which cases are governed by clause 15 of the rule quoted above.

The termination of the official year being on the last day of June, a doubt may possibly be entertained whether the 30th of April in the section is not the date on which notice of relinquishment is received unaffecting the right of occupancy till the end of the official year as now ordained. Consulting form No. III of appendix D, there appears to be no room for such a doubt because the words "I hereby relinquish the occupancy of the said lands" signify absolute relinquishment on, from and after that date.

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(2). Letter No. 617, dated 21st January 1893, from the Deputy Commissioner, Tumkur, to the Chief Secretary to the Dewan of Mysore.

With reference to your Docket No. 10163—1320-92 of the 29th ultimo received on the 13th instant, I beg to submit herewith a copy of the circular issued by Mr. Haji Saiyed Nasiruddin Sahib.

2. The question that that Officer refers to in para 2 of his letter No. 340 of the 23rd September 1892 is this—Darkhasts for lands take effect from and inclusive of the year in which they are presented. So a Darkhast presented say in April, May or June 1893 has effect from and inclusive of the year 1892-93, as (owing to the recent extension of the official year from 31st March to 30th June) those months are included in that year. But the applicant cannot at that stage raise any crop on the land in that year (1892-93) and yet he has to pay the Kandayam of that year. So Mr. Haji Saiyed Nasiruddin Sahib enquired if Darkhasts presented at such late stage of a year may be accepted with effect from the following year. If the raiyats are to wait till the year is over, they will have to wait till July and then apply for lands. In that case it will be too late as the time for beginning operation for sowing ragi, &c., is about April. So that Officer probably wanted to suggest that applications for lands presented in any year after the expiry of the cultivation season of that year should be taken as those presented for the next following year.

No. 4724-31—R. F. 290-92, DATED, BANGALORE, 10TH SEPTEMBER 1893.

ORDER THEREON.—The Deputy Commissioner of Hassan in referring to Vaisakhi crops has evidently overlooked the orders contained in Proceedings No. 3211-50—Cir. 36, dated 23rd May 1892, which cancels para 15 of Rule XXVI of the Land Revenue Rules.

2. There is no rule limiting the time for presentation of Darkhasts. When a Darkhast is accepted and permission granted to enter upon occupation, the assessment is payable for the whole year in which the land is granted, *unless otherwise ordered by the Deputy Commissioner*, (para 17 Rule XX) so that if the permission happens to be granted at a part of the Revenue Year, when it is impossible to derive any crop from the land within that year, there is nothing to prevent the Deputy Commissioner ordering that the permission to occupy shall take effect from the ensuing year, *i. e.*, on 1st July following. But if there is a Darkhast for the same land, in which the Darkhastdar agrees to pay the assessment from the year in which Darkhast is accepted notwithstanding the lateness of the season, preference should be given to him over other Darkhastdars who only agree to pay assessment from

the following year. If the Darkhastdar agrees to pay assessment only for the following year, he should only be allowed to occupy the land at the beginning of that year. If he wishes immediate possession, he must pay assessment for the whole vear. whether he could cultivate the land in that year or not.

3. In the case of applications for lands relinquished by raiyats, the applicant cannot enter upon the land until the relinquishment takes effect which will be on the 1st July of the year following that on which the relinquishment notice has been given (*Vide* Rule XXVI). Form "D" is only a Notice of relinquishment (see para 2 Rule XXVI) and the omission in it of the date from which the relinquishment is to take effect is of no consequence, since para 1 of Rule XXVI is clear on the subject.

T. ANANDA ROW,
Chief Secretary.

To—The Deputy Commissioner, Hassan District.
The Deputy Commissioners of other Districts.

Exd—M·A.